SINGLE BENCH (3)

c.d. 1001

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.No. 4957 / 2005

Petitioner Janaklal Dewangan, S/o Late Shri Dasrooram Dewangan, Aged about 59 years, Presently working as Assistant Teacher, Primary School, Sonpur, Tahsil- Patan, District – Durg (CG), R/o Village Patan, Tahsil, Patan, District – Durg (CG)

Versus

Respondents :

1) State of Chhattisgarh – Through the Secretary, School Education Department, DKS Bhawan, Raipur (C.G.)

2) The Collector Durg, District – Durg (CG).

3) The District Education Officer, Durg (CG)

P.R. No. 4730/05 Presented by Shri Kamal Das dated 13/9/05

RECEIVED-COPY 13.9.05 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.4957/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

07.10.2005

Shri P. Diwakar, Sr Advocate with Shri P.R. Patankar, counsel for the petitioner.

Shri Pankaj Shrivastava, Panel Lawyer for the State on advance copy.

Heard.

The petitioner, who is working as Assistant Teacher in Primary School, Sonpur, Tehsil Patan, District-Durg and has been transferred from Sonpur to Middle School, Latabod, Tehsil Balod, a place about 70 kms away from the present place of posting, has challenged the validity of transfer order dated 31.8.2005 (Annexure-P/1).

The submission of learned counsel for the petitioner is that the petitioner is shortly to retire and only three years are left for his retirement. He further submits that no one has been posted in place of the petitioner. He also submits that the wife of the petitioner is suffering from cancer and she is being hospitalized in Sector – 1 Hospital, Bhilai, where her major operation is to be performed. Learned counsel for the petitioner submits that Bhilai is about 28 Kms from Patan i.e. the present place of posting and if he is compelled to go to Balod, then it will be difficult for him to take care of his wife.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 4957/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

It is a settled principle of law that no one posted at a particular place and working on a transferable post can claim for his retention or posting in that particular place for ever as the transfer is an incidence of service and the same can be done on the administrative exigency of the department.

The personal difficulties are not grounds for interfering the orders of transfer by a court of law but these are the grounds to be considered by the employer and the employer has always to pay his attention towards the personal difficulties of his employ and to look after such difficulties, so that the employee may live comfortably and may render an excellent service to the employer. The welfare of the employee is one of the important considerations for the employer.

In the facts and circumstances of the case, though this court is not interfering with the transfer orders but a direction is being issued to the petitioner that if so advised, the petitioner may file a detailed representation before the concerned authority along with certified copy of this order, raising all his grievances and personal difficulties within a period of 3 weeks from today and if such a representation along with copy of this order and the copy of writ petition is filed before the concerned authority, the concerned authority shall dispose of the same as early as possible preferably

(35)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.4957/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

within a period of 5 weeks from the date of filing/receipt of the representation.

In the peculiar facts and circumstances, in the meanwhile, the impugned order of transfer of the petitioner shall be kept in abeyance for a period of 8 weeks.

With the aforesaid observations, the petition stands finally disposed of.

Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge

Vatti